

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

ABRAHAM GRANT, SR.
ADC # 128147

PLAINTIFF

v.

No. 5:12-cv-317-DPM-BD

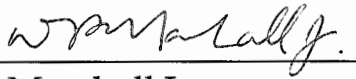
JENNIFER McBRIDE, et al.

DEFENDANTS

ORDER

The Court has considered Magistrate Judge Beth Deere's recommended disposition, *Document No. 41*, and Grant's objections, *Document No. 45*. On *de novo* review, the Court adopts Judge Deere's proposal as its decision. FED. R. CIV. P. 72(b)(3). Grant's objections do not create an issue of fact as to whether he followed ADC policy in appealing his grievance. *Document No. 30-1, at 2, 5, & 8*. Absent a decision on the merits to cure his filing defect, he has failed to exhaust his administrative remedies. *Hammett v. Cofield*, 681 F.3d 945, 947 (8th Cir. 2012). Motions for summary judgment, *Document Nos. 24 & 39*, are granted. Grant's complaint, *Document No. 2*, is dismissed without prejudice. Other pending motions, *Document Nos. 17 & 34*, denied as moot.

So Ordered.



D.P. Marshall Jr.
United States District Judge

8 January 2013